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A2013 RTP

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Kurt Andersson	:	Examiner: Nathaniel C. Chukwurah
Title: Impact Adapter For Transfer Of Impacts And Rotation From An Impact Rock Drilling Machine To A Drill String	:	Group Art Unit: 3721
Serial No. 10/525,933	:	
Filed: February 25, 2005	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Appeal Brief Patents

TRANSMITTAL OF REPLY BRIEF

Enclosed for filing is a Reply Brief (in triplicate) in response to the Examiner's Answer mailed on February 26, 2007, in connection with the above identified Appeal.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

3/22/07

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REPLY BRIEF

The present Reply Brief is in response to the Examiner's Answer mailed on February 26, 2007.

Claims 1 and 2 are on appeal. These claims are directed to an impact adapter having a first end section for connection to a

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drill string, and a second end section having ridges and interposed grooves for transfer of rotation from a rock drilling machine to a drill string. Claim 1 expressly recites that "the grooves at the end of the second end section directed away from the first end section of the impact adapter increase in width in a direction away from the first end section".

Claim 2 depends from independent Claim 1, and expressly recites that the ridges at the end of the second end section directed away from the first end section of the impact adapter "decrease in radial extension in a direction away from the first end section".

Both independent Claim 1 and dependent Claim 2 have been rejected as being anticipated by the Roberts et al patent, and the Gustafsson design patent. The arguments presented at pages 5 - 7 of the Appeal Brief filed on November 6, 2006, establish that neither the Roberts et al or Gustafsson patents teach (or suggest) the specific limitations recited in Claims 1 and 2.

The Examiner's Answer contends that Applicant's arguments address the devices disclosed by the Roberts et al, and Gustafsson patents, with respect to Applicant's claim limitations, only in a "longitudinal direction" (See Examiner's Answer, page 7, first paragraph; page 8, first paragraph; page 9, second paragraph; and page 9, last paragraph). However, Applicant respectfully submits that the applied prior art

references can only be considered in a "longitudinal direction" because appealed Claims 1 and 2 expressly define the respective limitations of "increase in width" (Claim 1) and "decrease in radial extension" (Claim 2) as being "in a direction away from the first end section". Therefore, the limitations at issue in both appealed Claims 1 and 2 are defined in a longitudinal direction of the claimed device. Accordingly, the devices disclosed by the two applied prior art references can only be reasonably evaluated in a longitudinal direction, because to do otherwise would disregard the express limitation ("in a direction away from the first end section") recited in both of the appealed claims.

As noted in Applicant's Appeal Brief, it is well established law that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between a single applied reference for each rejected claim. A rejection of a claim as being anticipated by a prior art reference is improper unless the single applied reference teaches all features of the rejected claim, as arranged in the claim. (Appeal Brief, page 7, last paragraph through page 8, first paragraph).

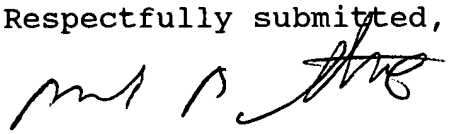
In addition to the above, neither of the two applied prior art references teaches (or suggests) the features of appealed Claims 1 and 2 even if the devices of the references are considered in a "radial direction", as proposed in the Examiner's

Answer (See Examiner's Answer, page 7, first paragraph; page 8, first paragraph; page 9, second paragraph; page 9, last paragraph). In each of these paragraphs, the Examiner's Answer states that "...A careful review of the patent to [Gustafsson, Roberts et al] clearly shows that the limitations meet the limitations in the radial direction". Yet, the Examiner's Answer fails to identify any specific disclosure in either the Gustafsson or Roberts et al patents which support his argument that the limitations of appealed Claims 1 and 2 are disclosed. Therefore, the arguments presented in the Examiner's Answer are conclusory in nature, and are without any support in the disclosures of the applied prior art references themselves.

* * *

For the reasons discussed herein, in the previously filed Appeal Brief, and during the prosecution of this patent application, Applicant respectfully submits that appealed Claims 1 - 2 are patentable over the prior art of record, and requests that the rejection of these claims made in the Final Action be reversed.

Respectfully submitted,



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